

1 THE HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA
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10 ARTHUR WEST,
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12 Plaintiff,
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14 vs.
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16 BRUCE and RHONDA HILYER, as a marital
17 community and as individuals, AGREEMENT
18 DYNAMICS, THE ASSOCIATION OF
19 WASHINGTON CITIES, ERICK JOHNSON,
20 MARTI MAXWELL, THURSTON COUNTY,
21 THURSTON AND KING COUNTY COURTS and
22 COURT ADMINISTRATORS, KING COUNTY,
23 KAREN VALENZUELA, KATHY WOLFE,
24 SANDRA ROMERO,
25

Respondents.

No. C 10-05395-RBL

ORDER OF DISMISSAL
[Dkt. #38]

THIS MATTER came before the Court upon the motion of the Defendants, Marti Maxwell, Thurston County, Thurston County Courts, Thurston County Court Administrator, Karen Valenzuela, Kathy Wolfe, and Sandra Romero (hereafter "Thurston County Defendants") for an order of dismissal pursuant to FRCP (4)(m). [Dkt. # 38]

On June 4, 2010, Plaintiff filed his complaint. Dkt. #1. The Thurston County Defendants filed their answer and affirmative defenses on August 6, 2010 alleging, among other things, that the Plaintiff had not properly served the Summons and Complaint on the Thurston County Defendants. Dkt. 21.

On November 1, 2010, the Plaintiff filed a motion to voluntarily dismiss the claims against the Thurston County Defendants and others. Dkt. #25. Because a co-defendant had pending at that time a substantive Motion for summary Judgment, the Plaintiff's Motion for voluntary dismissal was DENIED. Plaintiff has not served the Thurston county defendants and the time for doing so has long since passed. Plaintiff's Motion for an Extension of time (contained in his Response [Dkt. #43] to the Thurston County defendants' Motion) is DENIED.

The Court finds that an order of dismissal as to the Thurston County Defendants is the appropriate action in this matter.

THEREFORE, it is hereby

ORDERED that Defendants' Motion to Dismiss [Dkt. #38] is GRANTED and all of Plaintiff's claims against all Thurston County Defendants are hereby **DISMISSED WITHOUT PREJUDICE.**

DATED this 2nd day of March, 2011.

Ronald B. Lightner

RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE